



## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0354

CHERYL UPSHAW,

Petitioner, Appellee, and Cross  
Appellant,

v.

## ORDER OF MEDIATOR APPOINTMENT

THOMAS AYER,

Respondent and Appellant.

This appeal being subject to M.R.App.P. 7, and the parties having failed to jointly and timely select a mediator under M.R.App.P., 7(4)(c),

IT IS ORDERED THAT **Charles A. Smith**, whose name appears next on the list of attorneys desiring appointment as mediators for Domestic Relations appeals which is maintained pursuant to M.R.App.P., 7(4)(e), is hereby appointed to conduct the mediation process required by M.R.App.P., 7(5), and

IT IS FURTHER ORDERED that the time periods set forth in M.R.App.P., 7(5)(d) shall run from the date of this order of appointment.

A true copy of this order is being mailed to counsel of record for the parties, or to the parties individually if not represented by counsel, on the date hereof.

DATED this August 16, 2010.

A handwritten signature in black ink, appearing to read "Ed Smith", is written over a horizontal line.

Ed Smith, Clerk of the Supreme Court

c: Christopher J. Gillette, Cheryl Upshaw, Charles A. Smith